

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



RECORD PACKET COPY

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Filed: May 20, 2004
49th Day: July 8, 2004
180th Day: November 16, 2004
Staff: ALB-LB *ALB*
Staff Report: July 22, 2004
Hearing Date: August 11-13, 2004
Commission Action:

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-04-191
APPLICANT: Thomas and Betty Saliba
AGENT: Barry Walker
PROJECT LOCATION: 317 Sapphire Ave., City of Newport Beach, County of Orange
PROJECT DESCRIPTION: Remodel and addition of a 628 square foot second story and a 498 square foot roof deck to one unit of an existing 2188 square foot duplex with a 530 square foot two-car garage. A total of two parking spaces for the duplex will be provided.
LOCAL APPROVALS RECEIVED: City of Newport Beach Modification Permit (No. MD2003-107) dated December 3, 2003 and City of Newport Beach approval-in-concept dated April 1, 2004.
SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan and Coastal Development Permit Nos. 5-01-437 (Furman) and 5-98-027 (Woods).

SUMMARY OF STAFF RECOMMENDATION:

The primary issue before the Commission is parking. The proposed project is deficient by two parking spaces. However, due to the minimum nature of the improvement, there is not an opportunity to resolve the parking deficiency at this time. Staff is recommending **APPROVAL** of the proposed project subject to one special condition requiring a coastal development permit or amendment when future development occurs on the site.

LIST OF EXHIBITS:

- 1. Location Map
- 2. Assessor's Parcel Map
- 3. Project Plans

STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

I. APPROVAL WITH CONDITIONS

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITION

1. Future Development

This coastal development permit 5-04-191 approves only the development, as expressly described and conditioned herein, to the existing duplex located at 317 Sapphire Avenue in the City of Newport Beach. Any future development, such as a change in the intensity of use (including a change in the physical number of residential units or a change in the number of parking spaces) shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. PROJECT LOCATION AND DESCRIPTION

The subject site is located at 317 Sapphire Avenue, an inland lot on Balboa Island in the City of Newport Beach, Orange County (Exhibits 1-2). The property is designated Two-Family Residential in the certified LUP. The proposed project consists of the remodel and addition to one unit of an existing 2188 square foot duplex with a 530 square foot two-car garage (Exhibit 3). Specifically, the project involves a 628 square foot second story addition to an existing 894 square foot front unit. The project also involves a new 498 square foot roof deck. The resultant structure will be a two-story duplex with a 1522 square foot front unit and a 666 square foot second unit with 530 square foot two-car garage and 498 square foot roof deck on a 2550 square foot lot. Interior renovations are proposed on the ground floor. No change to the existing footprint is proposed. No work is proposed to the existing two-car garage. A total of two parking spaces for the duplex will be located on site.

The Commission has consistently found that two parking spaces are necessary to satisfy the parking demand generated by individual dwelling units. The project site contains a duplex and therefore under the Commission's standard of two parking spaces per dwelling units the project site should therefore provide four on-site parking spaces. Only two parking spaces currently exist on site. No modifications are proposed that will affect the footprint of the structure. No changes are proposed to the existing two-car garage. As such, the proposed development is currently deficient by two parking spaces and will remain deficient by two parking spaces.

However, since no additional dwelling units are proposed and the proposed project is not a major redevelopment, the proposed development would not result in an intensification of use of the site. Consequently, parking demand would not increase beyond the existing demand. Additionally, the proposed ground floor improvements are relatively minor, so there is not an opportunity to remedy the parking deficiency through this project.

Nevertheless, future development at the project site could result in an increase in the number of dwelling units beyond the two units that currently exist, resulting in an intensification of use. This would result in an increase in parking demand and an increase in the parking deficiency, leading to adverse impacts on public access. Likewise, future development could propose a reduction in the number of parking spaces, which would also lead to adverse impacts on public access. Therefore, the Commission finds that it is necessary to place a condition on the permit informing the permittee that a new coastal development permit, or an amendment to this permit would be required for any

future improvements to the existing structure which would result in a change in the intensity of use. This would allow for the review of future improvements for any potential adverse impacts to public access resulting from inadequate parking.

B. PUBLIC ACCESS

As conditioned, the proposed development will not have any new adverse impact on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

C. LOCAL COASTAL PROGRAM

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with, and is adequate to carry out, the Chapter 3 policies of the Coastal Act.

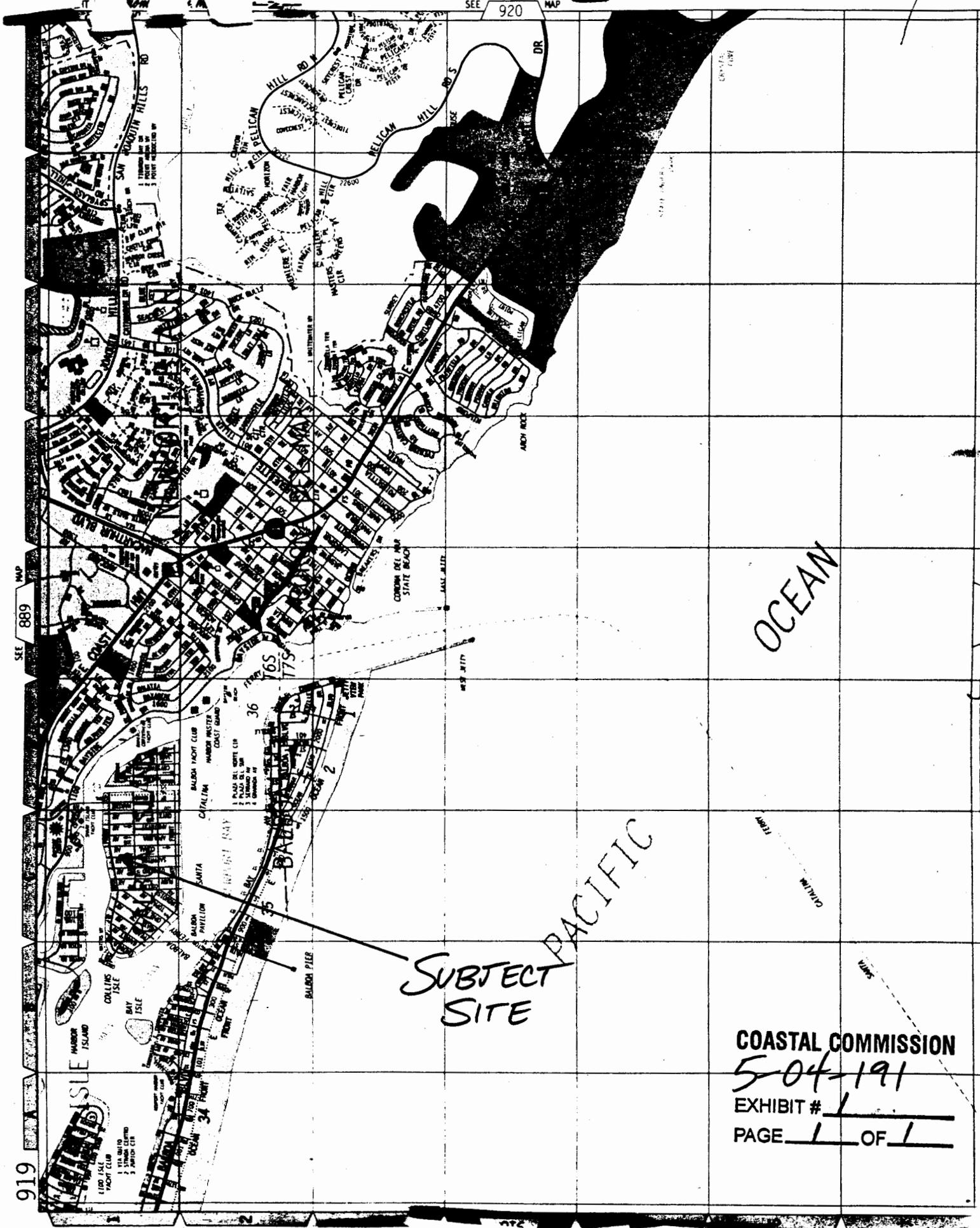
The Commission certified the Land Use Plan (LUP) for the City of Newport on May 19, 1982. The City currently has no certified implementation plan. As conditioned, the proposed development is consistent with the policies in the certified Land Use Plan and with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act required by Section 30604 (a).

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The project site is located in an existing urbanized area. Development already exists on the subject site. The proposed development has been conditioned to be consistent with the public access policies regarding parking that are contained in Chapter 3 of the Coastal Act. The project as proposed is the least environmentally damaging alternative. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with CEQA and the policies of the Coastal Act.

As conditioned, no feasible alternatives or further feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is the least environmentally damaging feasible alternative and is consistent with CEQA and the policies of the Coastal Act.

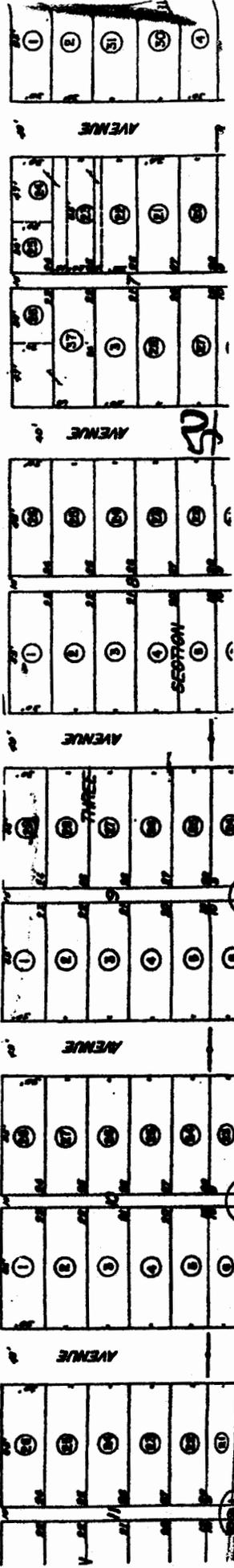
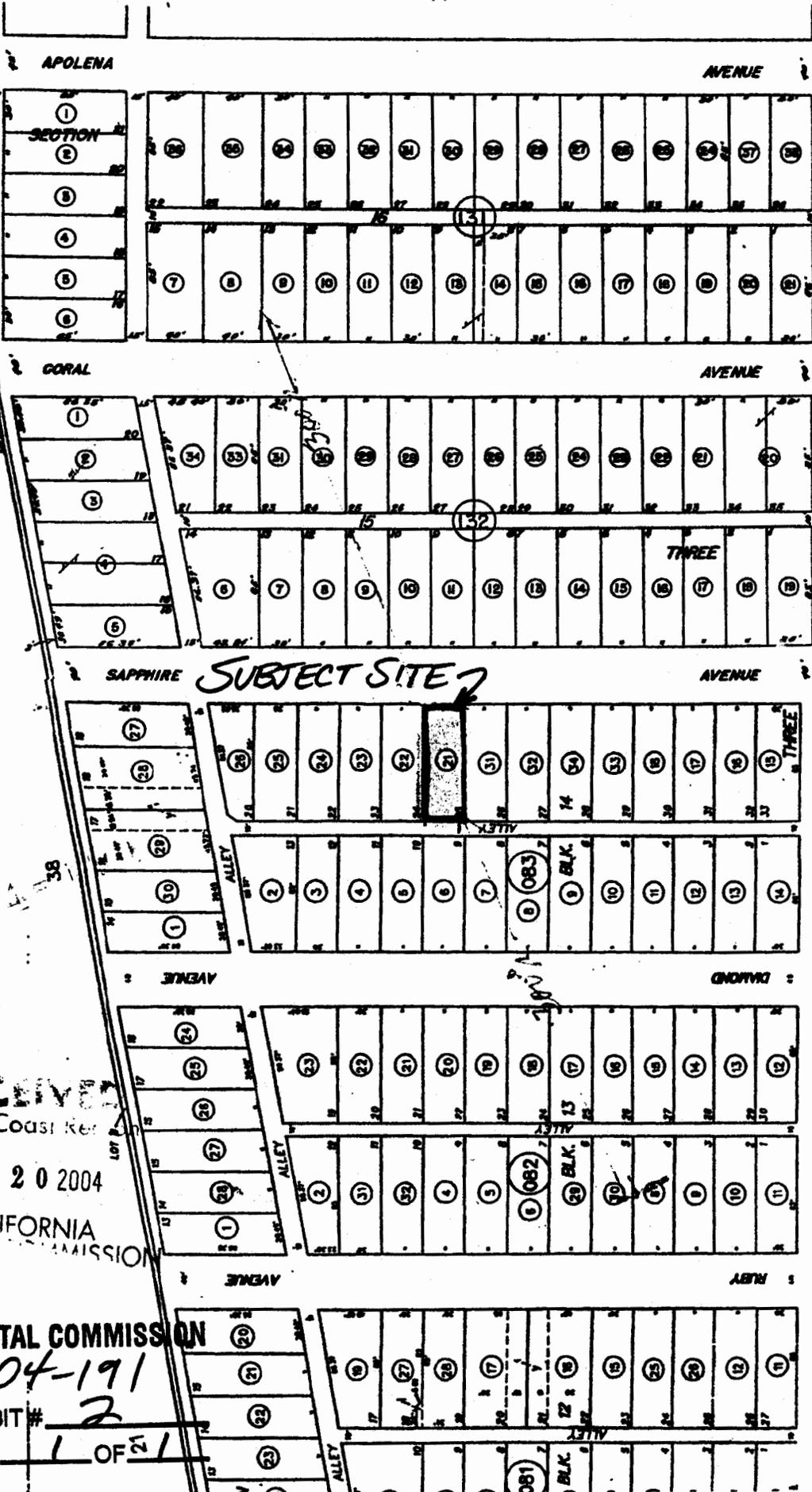


SUBJECT SITE

OCEAN

COASTAL COMMISSION
 5-04-191
 EXHIBIT # 1
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FOR GRANGE COUNTY
AND THE AGENTS
TO BE TO ITS AGENCY
BY FOR OTHER USES
ALL RIGHTS RESERVED
KIMTY AMBROSIO



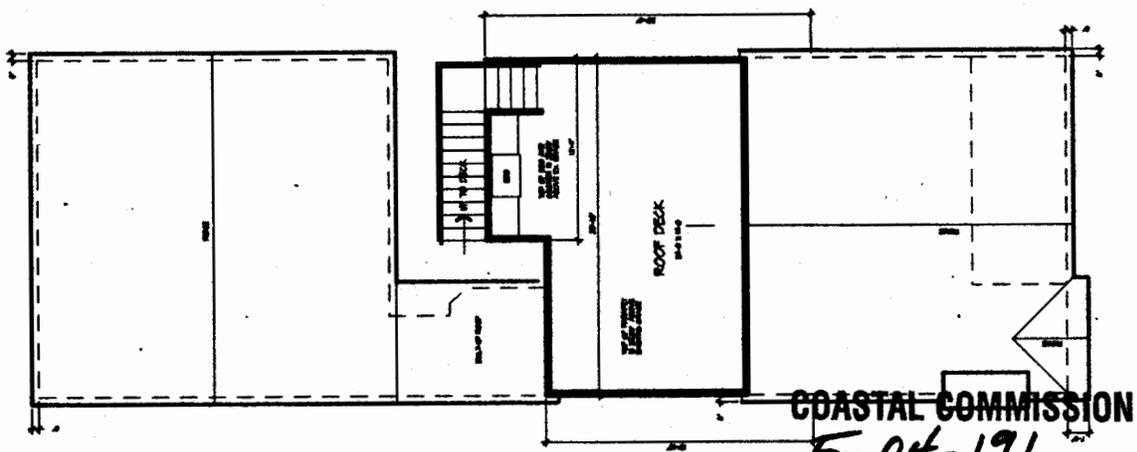
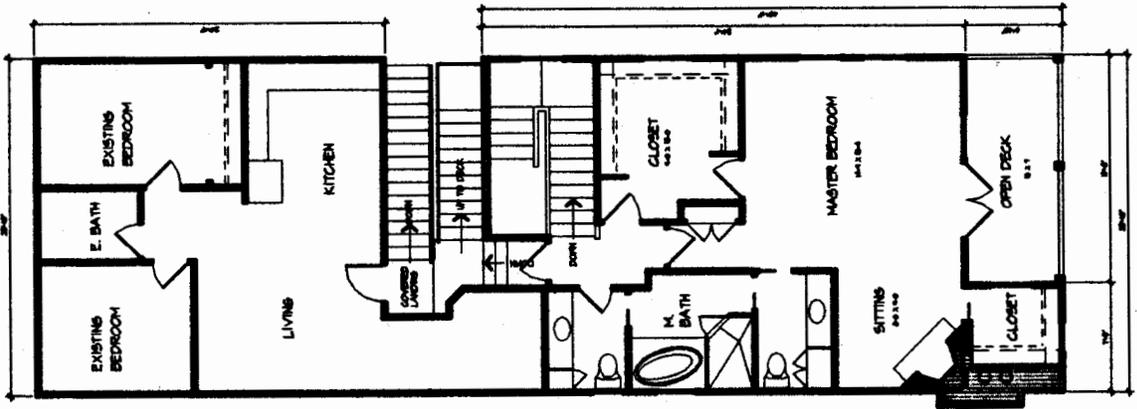
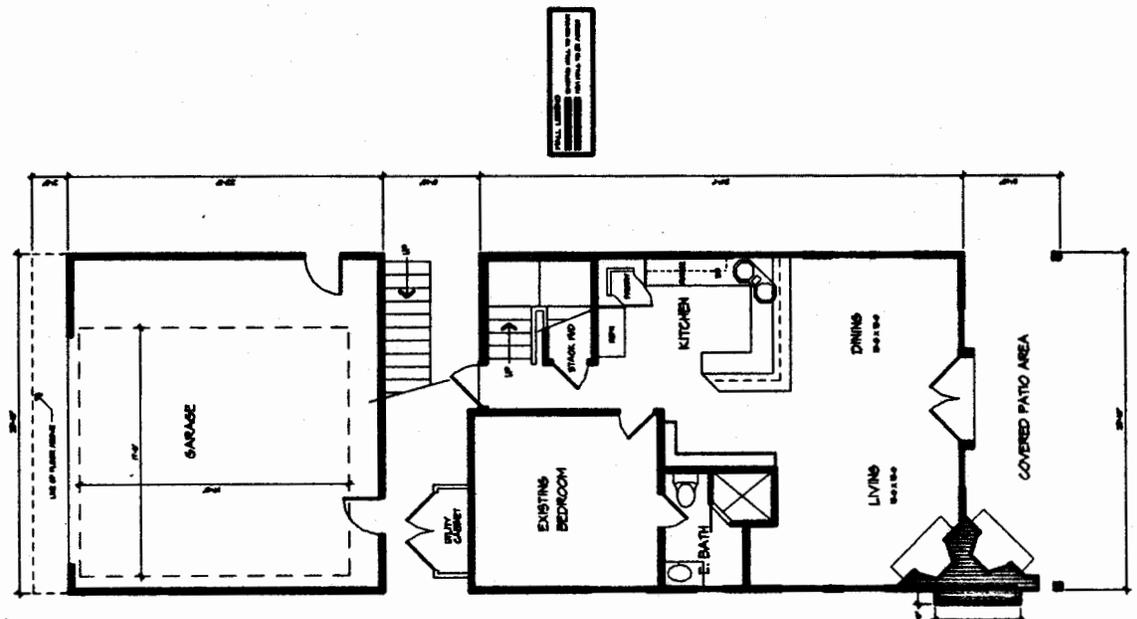
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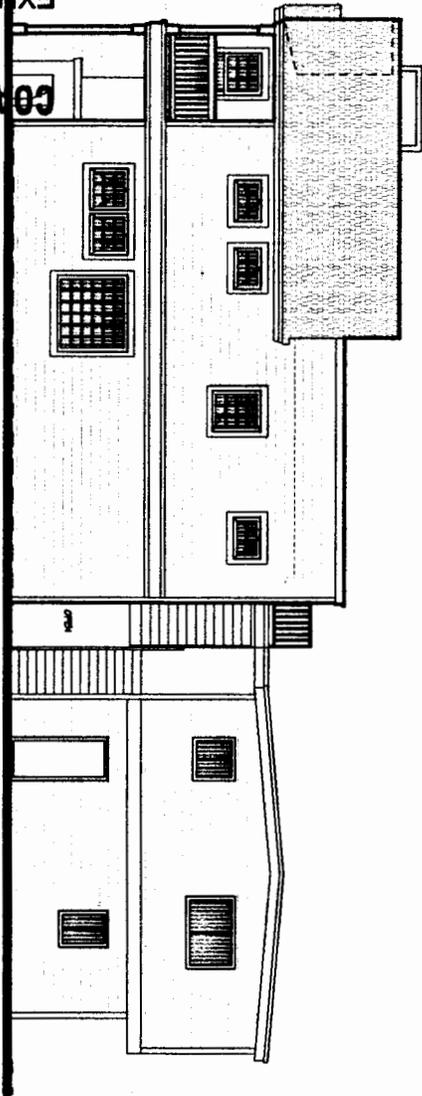
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EXHIBIT # 2
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	<p>Tom and Betty Saliba 317 Sapphire Avenue Balboa Island, California</p>	<p>Proposed Floor Plans</p>	<p>Barry Walker, Architect P.O. Box 11856 Newport Beach, California 92656 849.248.4085 fax 714.549.1495</p>		<p>2</p>
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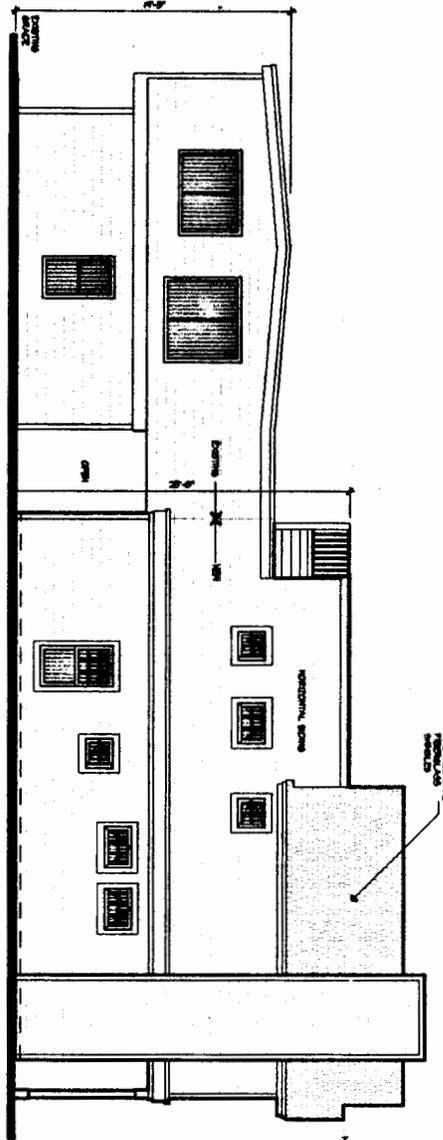


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EXHIBIT # 3
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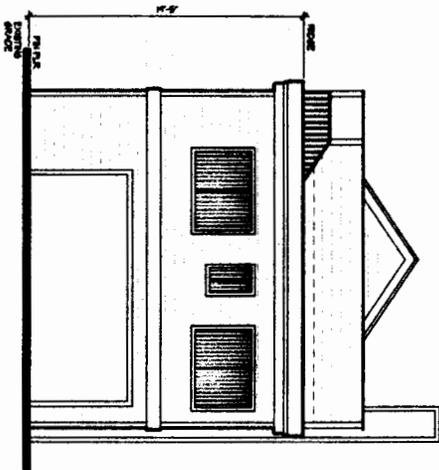
NORTH ELEVATION
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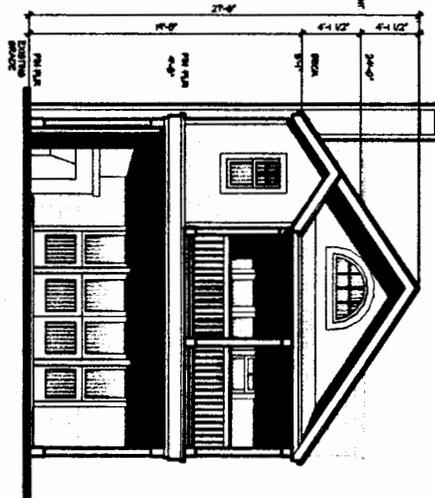
SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



REAR ELEVATION
 SCALE: 1/8" = 1'-0"



FRONT ELEVATION
 SCALE: 1/8" = 1'-0"



<p>3</p>	<p>DATE 11/11/11 DRAWN T.S.</p>		<p>ARCHITECT Barry Walker, Architect P.O. Box 11858 Newport Beach, California 92658 949.246.4085 fax 714.549.1495</p>	<p>SHEET TITLE Site Plan and Roof Plan</p>	<p>OWNER Tom and Betty Saliba 317 Sapphire Avenue Balboa Island, California</p>	<p>REV. DATE REVISION</p>
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